

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2017 SEP -8 PM 2: 04

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

UNITED STATES OF AMERICA,)	
ex rel. TRAKHTER,)	
)	
Plaintiff-Relator,)	
)	No. 1:11-CV-00217-TSB
vs.)	
)	JUDGE BLACK
PROVIDER SERVICES, INC.,)	
et al.,)	
)	
Defendants.)	

DECLARATION OF VLADIMIR TRAKHTER

State of Ohio)
)
County of Montgomery)

Declarant Vladimir Trakhter, being of legal age and under no disability, declares and states as follows:

1. I am over eighteen (18) years of age, and I am the Plaintiff-Relator in the above-captioned matter. On April 13, 2011, I filed a *qui tam* complaint on behalf of the United States under the False Claims Act ("FCA"), 31 U.S.C. § 3729 and § 3730, *et seq.*

2. In July 2017, a \$19.5 million global settlement was reached between the United States and Defendants to resolve FCA claims brought by me (and relators in Case No. 1:12-CV-00935). Of that amount, \$15,527,844 is attributable to my therapy claims. I am therefore a prevailing party against Defendants PSI, BCFL, Foundations and Olympia and entitled to fees and expenses under 31 U.S.C. § 3730(d).

3. I incurred labor fees of \$ 7,468.00 for 194.50 hours expended in this matter, plus costs and expenses of \$ 546.92, for which I seek reimbursement. See attachments.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed September 08, 2017.

Vladimir Trakhter

Vladimir Trakhter

Fees, cost and expences

Assignments, Reasearch, and Meetings log - 194.50 hrs

Rate \$38.40/hr

Total: \$7468.00

Cost and Expences

Vehicle expence	\$202.40
Papers	\$16.05 = 3 x \$5 + \$1.05 tax
Copies	\$95.40 = 954 pgs x \$0.10
Flash Drive	\$74.74 = \$69.85 + \$4.89 tax
4 in one Printer	\$106.99 = \$99.99 + \$7.00 tax
Printer cartriges	\$47.89 = \$47.89 + \$3.36 tax
Total:	\$546.92

Totals: \$8014.92

Assignments, Research, and Meetings log

Assignments and Research:

1. Preparation for Cancelor's introduction to SNF therapy billing, MDS 2.0, RUG 3.0 concept, loopholes - (gathering the materials, copying the documents) 954 pgs - July 02 - 06, 2010 for 36.0 hrs
2. Compose the detailed list of mistreated patients - July 07-08, 2010 for 8.0 hrs
3. Compose the list of rehab department clinicians - July 08, 2010 for 3.0 hrs
4. Review Memorandum - Aug 08, 2010 for 4.0 hrs
5. Review Complaint - March 03, 2011 for 2.0 hrs
6. Review Disclosure - March 05, 2011 for 2.0 hrs
7. Analizing, comparing, scanning employee handbooks - Apr 09, 2011 for 2.0 hrs
8. Review, writing comments on presentation documents for interview, 457 pgs - May 28 - 30, 2011 for 6.0 hrs
9. Sorting, grouping, scaning resources - June 03, 2011 for 4.0 hrs
10. Compose the list of nursing homes (from NPI webs of 996 Ohio homes, <https://nppes.cms.hhs.gov/#/>, http://www.hipaaspace.com/Medical_Billing/Coding/National_Provider_Identifier/NPI_Number_Lookup.aspx) - July 09 - 23, 2011 for 38.0 hrs
11. Compose the list of trusted clinitians - Oct 04 - 05, 2011 for 6.0 hrs
12. Research the publications for case supporting documents (<https://www.archives.gov/oig/reports>, www.cms.gov, www.whistleblowersblog.com/tag/department-of-justice/, <http://www.leadingage.org/>, <https://oig.hhs.gov/reports-and-publications/>, <https://www.medicare.gov>, <https://www.ahcancal.org/News/LTCLeaderBlog/default.aspx>, www.ahcancal.org, <http://beverlytran.blogspot.com>, www.ncoa.org/, www.advanceweb.com/, <https://rhislop3.com>). Found the report which became significant reference source of the case: " Questionable Billing by Skilled Nursing Facilities" by Daniel R. Levinson, IG, December 2010 and the billing schedule fee for RUG III and IV - July 09, 2010 - June 01, 2011 for 48.0 hrs

Meetings with Counselors at HochmanPlunkett office:

1. May 12, 2010 @ 10:30am for 2.0 hrs
2. June 07, 2010 @ 10:00am for 2.0 hrs
3. July 01, 2010 @ 3:00pm for 2.0 hrs
4. July 09, 2010 @ 8:30am for 7.75 hrs
5. July 16, 2010 @ 10:00am for 2.0 hrs
6. Aug 06, 2010 @ 9:30am for 2.0 hrs
7. Sep 28, 2010 @ 2:00pm for 2.0 hrs
8. Oct 04, 2010 @ 1:30 pm for 2.0 hrs
9. Oct 06, 2010 @ 10:00am for 2.0 hrs
10. Oct 07, 2010 @ 9:30am for 3.0 hrs
11. Feb 15, 2011 @ 1:00pm for 1.25 hrs
12. May 31, 2011 @ 9:30am for 2.5 hrs
13. June 02, 2011 @ 8:00am for 5.0 hrs with trip to US Attorney office, Columbus, OH

Totals: 194.5 hrs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on the 8th day of September, 2017 by using the CM/ECF system, which will send notification to the following counsel:

Andrew M. Malek
Assistant United States Attorney
Southern District of Ohio
303 Marconi Blvd., Suite 200
Columbus, OH 43215
Telephone: 614-469-5715

Attorney for the United States

I hereby certify that a copy of the foregoing was served on the 8th day of September, 2017 via U.S. Postal Service, postage prepaid, on the following counsel:

Richard H. Blake
McDonald Hopkins, LLC
250 West Street, Suite 550
Columbus, OH 43215
Telephone: 614-458-0025

Aric D. Martin
Rolf Goffman Martin Lang LLP
30100 Chagrin Blvd., Suite 350
Cleveland, OH 44124
Telephone: 216-514-1100

*Counsel for Foundations Health Solutions, Inc.
and Olympia Therapy, Inc.*

/s/ Vladimir Trakhter